

Queen's Speech debate: Health and Social Care

House of Commons, 16 January 2020

NHS Providers is the membership organisation for the NHS hospital, mental health, community and ambulance services that treat patients and service users in the NHS. We help those NHS trusts and foundation trusts to deliver high-quality, patient-focused care by enabling them to learn from each other, acting as their public voice and helping shape the system in which they operate. NHS Providers has all trusts in membership, collectively accounting for £84bn of annual expenditure and employing more than one million staff.

Overview

The Queen's Speech set out the government's ambitious plans for the future of our NHS including an NHS Funding Bill, the Health Service Safety Investigations Bill and a commitment to publish draft legislation to implement the NHS long term plan. The government's legislative agenda also includes plans for growing the NHS workforce, with a new visa for qualified doctors, nurses and health professionals to secure fast track entry to the UK and a manifesto commitment to seek cross-party consensus on proposals for long term reform of social care and reform of the Mental Health Act.

This new legislation will be introduced at a time when trusts across the country remain under considerable strain as they seek to absorb additional demands for care, caused largely by severely constrained finances and over 100,000 vacancies in the NHS workforce. Added to these pressures is the ongoing NHS pensions issue, which is contributing to longer waits for patients and putting NHS staff under pressure. This mismatch between demand and available resources is putting patient care under demonstrable strain, most evident perhaps in the fact that trusts and the wider health and care sector can no longer deliver the constitutional standards around access to care. [The latest monthly figures from NHS England and NHS Improvement](#) show that in December 2019, A&E performance dropped to 79.8% against the four hour standard, down from 81.4% the previous month – the worst figures since records began. The monthly statistics also showed that the elective care waiting list is 4.42 million, and cancer saw all three main standards missed for the fifth time in 2019.

While we welcome the commitment to deliver a 3.4% annual real-terms increase in NHS funding, it is clear that with growing demand and severe workforce shortages, the scale of the task ahead is significant. This investment promised by the Government will maintain standards at their current level, but the service needs additional real investment to meet the needs of the future and deliver the improvements we all want to see.

NHS Providers is calling on politicians to be bold in order to tackle the issues impacting the NHS. Investing in the NHS workforce, providing a comprehensive capital investment programme, promoting greater collaboration between health and social care organisations and in local communities, ensuring sufficient funding for public health and prevention services and a long-term settlement for social care should be key priorities for the new government and parliament.

NHS Funding Bill

“The NHS’s multi-year funding settlement, agreed earlier this year, will be enshrined in law”. This Bill will also incorporate steps to “grow and support the NHS workforce” and introduce a “new visa [to] ensure qualified doctors, nurses and health professionals have fast-track entry to the United Kingdom.” It will also remove hospital car parking charges “for those in greatest need”.

Provisions in the Bill include:

- Enshrining in law the multi-year funding settlement for the NHS, agreed earlier this year, that will see a £33.9 billion increase in cash terms by 2023-24.

NHS Providers view

Although the government’s commitment regarding NHS funding to support the long term plan is welcome, the NHS still faces a steep challenge to meet rapidly rising demand, deliver new technologies and transform ways of working to offer more integrated, personalised care as envisaged by the [NHS Long Term Plan](#).

While the committed level of funding is closer to the historic average the NHS has received, demand for services is growing rapidly and the NHS faces severe workforce shortages and a need to recover record low performance against the constitutional standards. The NHS Constitution establishes the principles and values of the NHS in England and sets out rights to which patients, public and staff are entitled and pledges which the NHS is committed to achieve. Examples of these standards are waiting time targets, such as the four hour A&E target (a maximum 4-hour wait in A&E from arrival to admission, transfer or discharge), cancer waiting time targets including a maximum 2-month (62-day) wait from urgent referral for suspected cancer to first treatment for all cancers and the six week target for a diagnostic test (patients waiting for a diagnostic test should have been waiting less than 6 weeks from referral). We therefore need to be realistic about what the funding committed by the government will buy and what the public should expect. The NHS still needs confirmation of its education and training budget for coming years, increased funding for public health, and a multi year settlement for capital.

The service needs additional real terms investment, including a multi year capital settlement, to meet the needs of the future and deliver the improvements we all want and need to see. In addition to day-to day funding pressures, trusts are faced with a backlog of maintenance work. Despite recent, welcome commitments from the government on capital funding, trusts still face significant challenges, with a total

maintenance backlog of £6.46 billion in 2018/19, which has meant that leaking roofs and broken boilers, ligature points in mental health facilities and outdated technology cannot be fully addressed.

The Queen's Speech included a commitment to remove hospital car parking charges for "those in greatest need" and the Department for Health and Social Care has **subsequently announced** that from April this year, trusts will be expected to start rolling out free parking to "those in greatest need". They will include blue badge holders, frequent outpatient attenders, parents of sick children staying overnight, and staff working night shifts. Trusts want patients to be able to access care at minimum cost and maximum convenience and many trusts already offer parking concessions. However, providing and maintaining secure and safe parking facilities does carry considerable cost and currently, it is not clear how the necessary payments to compensate trusts will be provided. There is a danger that funding for free car parking could be taken out of funding for patient care, which is a concern.

NHS long term plan

"We will deliver the NHS Long Term Plan in England to ensure our health service is fit for the future".

The government has committed to implementing NHS England's proposals for legislative change to support the delivery of the long term plan. Specifically, the government plans to:

- Consider NHS England and NHS Improvement's recommendations for legislative changes thoroughly and bring forward detailed proposals shortly.
- In due course, publish draft legislation that will accelerate the long term plan for the NHS, transforming patient care and future-proofing our NHS.

NHS Providers view

The NHS long term plan rightly sets out an ambitious vision for the NHS over the next ten years with a renewed focus on integrated care systems (ICSs) and sustainability and transformation partnerships (STPs), accompanied by a real terms funding uplift of £20.5bn a year over a five-year period, with a commitment to see the provider sector return to financial balance by 2023/24. However, questions remain as to how far this will stretch, as the NHS seeks to absorb additional demand in existing models of delivery, and simultaneously transform to offer more modern, integrated and personalised care.

We welcome and support the national policy direction to develop collaborative working within integrated local health and care systems. Significant progress can and has been made by developing local relationships, new partnerships and ways of working across sectors. However, we also acknowledge that the current NHS legislative and regulatory framework does not fully support this direction of travel. We recognise that a complete re-write of the current legislative framework has not, at this point, been judged either feasible or desirable. We therefore support a set of targeted changes to the law as proposed which are aimed at enabling the integration of services and avoiding a substantial restructure of the NHS. We are pleased to have been fully engaged in working up recent proposals with NHS England and NHS Improvement and will continue to ensure that the provider sector's needs and views continue to be heard.

NHS England/Improvement published a revised set of legislative proposals for a targeted NHS Bill in September. You can see our recent briefing summarising the proposals here:

<https://nhsproviders.org/resource-library/briefings/on-the-day-briefing-legislative-proposals-for-an-nhs-bill>

NHS Providers looks forward to the publication of draft legislation in due course.

Health Service Safety Investigations Bill

Legislation will be taken forward to “establish the world’s first independent body – the Health Service Safety Investigations Body (HSSIB) – to investigate patient safety concerns and share recommendations to prevent similar incidents recurring”.

Provisions of the Bill will include:

- Establishing a Health Service Safety Investigations Body as a new Executive Non-Departmental Public Body, with powers to conduct investigations into incidents that occur during the provision of NHS services and have, or may have, implications for the safety of patients.
- Prohibiting the disclosure of information held by that investigations body, except in limited circumstances. This will allow participants to be candid in the information they provide and ensure thorough investigations.
- Improving the quality and effectiveness of local investigations by developing standards and providing advice, guidance and training to organisations.
- Amending the Coroners and Justice Act 2009, giving English NHS bodies the power to appoint medical examiners and placing a duty on the Secretary of State to ensure that enough medical examiners are appointed in England.

NHS Providers view

NHS Providers strongly supports the principle of creating the HSSIB and enabling it to conduct safe space investigations so that the NHS can improve patient care and learn from when things go wrong. This is an approach that has been successfully adopted in a number of other industries (for example, within the airline industry’s Air Accidents Investigation Branch [AAIB]) and we support the principle of the HSSIB being established as an independent statutory entity. The Health Service Safety Investigations Bill promises to be a significant step forward in continually improving patient safety, which will help trusts and their staff adopt a systemic approach to investigating and learning from incidents to provide the safest and best care for patients.

The draft HSSIB Bill went through pre-legislative scrutiny before the general election. You can read NHS Providers’ submissions to this work, and the parliamentary and government reports as below:

- Full submission: <https://nhsproviders.org/resource-library/submissions/submission-to-the-joint-committee-on-the-draft-health-service-safety-investigations-bill>

- Follow up letter: <http://nhsproviders.org/media/495496/nhs-providers-letter-to-joint-committee-on-hssib-22-june-2018.pdf>
- Oral evidence: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/draft-health-service-safety-investigations-bill-committee/draft-health-service-safety-investigations-bill/oral/84918.html>
- Report by the Joint Committee on the Draft Health Service Safety Investigations Bill: <https://publications.parliament.uk/pa/jt201719/jtselect/jthssib/1064/106402.htm>
- Government response: <https://www.gov.uk/government/publications/government-response-to-health-service-safety-investigations-bill-report>

Immigration and Social Security Co-ordination (EU Withdrawal) Bill

“A modern, fair, points-based immigration system will welcome skilled workers from across the world to contribute to the United Kingdom’s economy, communities and public services.”

This Bill will:

- Bring an end to free movement in UK law.
- Introduce a new Australian-style points-based immigration system from 2021.
- Make EU citizens arriving from 2021 subject to the same UK immigration controls as non-EU citizens.
- Protect the long-standing immigration status of Irish citizens when free movement ends.
- Enable the Government to deliver future changes to social security coordination policy.

In addition to the Immigration Bill, the government proposes to:

- Create visa schemes for new migrants who will fill shortages in our public services, including a fast-track NHS scheme.
- Require new arrivals to contribute to the funding of the NHS.
- Increase the health surcharge, for those staying in the UK for more than six months.

NHS Providers view

We remain cautious about the government’s proposed changes to the immigration system. The NHS relies on recruiting and retaining staff domestically and from across the world and it is vital that any future immigration policy supports this. While we welcome proposals to ensure the NHS can continue to recruit internationally, we need to see more detail on the proposed NHS visa before responding in full.

Furthermore, the criteria of any immigration system will therefore need to recognise that ‘low paid’ does not mean low skilled, and that it will be several years before domestic supply increases enough to help close the sizeable workforce gap. The NHS relies on a varied workforce, with a wide range of skills. For example, healthcare support roles in the NHS, such as maternity support workers and healthcare assistants play a key role in delivering patient care. In addition, a failure to recognise the need to recruit social care roles from across the world could have a detrimental effect on the delivery of care within the NHS, with

possible increases in delayed discharges from hospital being one example of how this could impact patients.

Adult social care

“My Ministers will seek cross-party consensus on proposals for long term reform of social care. They will ensure that the social care system provides everyone with the dignity and security they deserve and that no one who needs care has to sell their home to pay for it.”

“We will provide extra funding for social care and will urgently seek cross-party consensus for much needed long-term reform so that nobody needing care should be forced to sell their home to pay for it.”

The government plans to:

- Consult on a 2% precept that will enable councils to access a further £500m for adult social care. This funding will support local authorities to meet rising demand and will continue to stabilise the social care system.
- Seek cross-party consensus in order to bring forward the necessary proposals and legislation for long-term social care reform in England, ensuring nobody needing care will be forced to sell their home to pay for it.

NHS Providers view

Following repeated cuts to local authority spending, the social care system is in dire need of reform, and sufficient funding. NHS services rely on a stable and sustainable social care system to function, including enabling people to return home with appropriate support after a period in hospital. Alongside this, social care is key to supporting children to develop their potential, to support working age adults with social care needs to remain independent and to contribute socially and economically within their local communities. However, **over 90% of trust leaders cite under investment in their local social care partners as a key cause for concern**. As part of the Health for Care coalition, NHS Providers is calling for a sustainable social care system, with both a solution to address the existing funding gap in the short term and a permanent funding settlement for the future. The coalition has identified seven key principles upon which a new social care system in England should be based including valuing the social care workforce, ensuring the social care system is fair and accessible, making sure that those with unmet or under-met need are given appropriate support.